No. 111 Original

FILED
MAY 17 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

October Term, 1987

STATE OF DELAWARE,

Plaintiff,

v.

STATE OF NEW YORK,

Defendant.

STATE OF TEXAS,

Intervenor Plaintiff,

v.

STATE OF NEW YORK,

Defendant.

RESPONSE OF THE STATE OF DELAWARE TO THE APPLICATIONS FOR LEAVE TO INTERVENE FILED BY THE STATES OF ALABAMA, ARIZONA, CONNECTICUT, HAWAII, IDAHO, ILLINOIS, INDIANA, KANSAS, LOUISIANA, MONTANA, NEVADA, NEW MEXICO, OKLAHOMA, SOUTH DAKOTA, TENNESSEE, UTAH AND WASHINGTON, AND THE COMMONWEALTHS OF KENTUCKY AND PENNSYLVANIA

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4 pp

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Applications for leave to intervene in this action have been filed by the States of Alabama, Arizona, Connecticut,

Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, South Dakota, Tennessee, Utah and Washington, and the Commonwealths of Kentucky and Pennsylvania (the "Intervenor States"). Such applications show that all of the Intervenor States rely on the same theory of recovery already put forward herein by The State of Texas ("Texas") and seek intervention simply to protect their respective interest in portions of the property involved in this case should Texas' position prevail.

Accordingly, it appears to the State of Delaware ("Delaware") that such intervention ought not to cause any complication to, or hindrance or delay in, the proceeding to resolve the presently competing claims herein of Delaware, New York and Texas. Intervention on such basis is not opposed by Delaware.

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The State of Delaware

May 18, 1989

PROOF OF SERVICE

I, JAMES LAWLESS, IV, certify pursuant to Rule 28.5(b) of the Rules of the Supreme Court of the United States, that I represent plaintiff, the State of Delaware, that I am a member of the Bar of the Supreme Court of the United States, and that on the 17th day of May, 1989, I served copies of the foregoing Response Of The State Of Delaware To The Applications For Leave To Intervene Filed By The States Of Alabama, Arizona, Connecticut, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, South Dakota, Tennessee, Utah And Washington, And The Commonwealths Of Kentucky And Pennsylvania, on all parties required to be served by depositing such copies, first-class postage prepaid, in a United States Post Office, addressed in accordance with the service list attached hereto.

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